UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,766	09/10/2003	Rainer Barth	BARTH-2	4858

20151 7590 09/13/2007		EXAMINER
HENRY M FEIEREISEN, LLC		NAUROT TON, JOAN
350 FIFTH AVENUE		
SUITE 4714	ART UNIT	PAPER NUMBER
NEW YORK, NY 10118	2154	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 June 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-11* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-11* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some *   c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

This final office action is in reply to amendments for Application number

10/659766, filed on 06/20/2007.

Claim Rejections - 35 USC § 112

1.　　The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1 and 11: beginning on lines 12, and 11, respectively, the phrase "message indicating that the specified alarm event has occurred wherein the receiver-specific message itself does not include event-relevant information" is misleading, contradictory, and confusing since an alarm event message which is also an event message and which are all event-relevant messages according to line 5, which states "event-relevant information comprising event messages..."

Claim Rejections - 35 USC § 103

2.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject
matter as a whole would have been obvious at the time the invention was made
to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was
made.

3.   Claims 1-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Araujo et al (US patent number 6920502, dated July 19, 2005, and filed on July 17,

2001) in view of Helferich (US patent 7003304)

Regarding claim 1:

Araujo discloses the method for transmitting messages about an alarm event of a

machine from an industrial controller controlling the machine to a specified receiver

using an Internet-related protocol, comprising the steps of: generating with an alarm

indicating system, if a specified alarm event occurs, event-relevant information

comprising event messages, fault messages, information about machine status and

process information, or a combination thereof; ("In the event of a detected fault or failure

condition in any monitored entity, the SEP (service enablement platform) generates a

corresponding alarm and reports it..." Column 8, lines 55-57); writing the event-relevant

information to a database accessible to the specified receiver ("...RMM process 2020

also records all alarms it receives in a local database." Column 38, lines 34-35, and the

receiver can access the alarm information through a web site, i.e. "delivering alarms to

web site (CCC) 20". Column 38, lines 28-29); transmitting in response to the event-

relevant information only a receiver-specific message indicating that the specified alarm

event has occurred (the receiver can access the alarm information through a web site,

i.e. "delivering alarms to web site (CCC) 20". Column 38, lines 28-29); and receiving the

receiver-specific message at the specified receiver, accessing from the specified

receiver the event-relevant information in the database (The CCC has a database of

alarm info Col 37, lines 29-32) via a cryptographically protected communication protocol

based on an Internet browser ("implements the necessary cryptographic and packet

processing operations", Column 3, lines 37-38. and "SEP can establish a web

connection with site 20 through which the SEP can report its operational data and/or

any alarm condition..." Column 36, lines 26-29.) and performing based on the event-

relevant information at least one of failure analysis

and fault repair of the machine. (Col 8 lines 55-70 disclose alarm events being sent and

then Col 9, lines 1-2 disclose the management of the machines based on the alarm

messages.)

Araujo discloses all the limitations except for wherein the receiver specific

message itself does not include event-relevant information.

Helferich discloses messages sent to a paging transceiver which is a specific

receiver and which does not include event-relevant information. (abstract, lines 1-3 and

Col3, lines 2-5 "A message has been received but does not initially transmit the

associated message" and "provides a page to a paging receiver but does not

automatically provide an associated message."). The general concept of providing

messages that do not provide event-relevant information is well known in the art as

illustrated by Helferich who discloses messages that are not detailed.

It would have been obvious for one of ordinary skill in the art at the time of the

invention to modify Araujo to include the use of hiding details of messages in his

advantageous method as taught by Helferich in order to conserve memory.

Regarding claim 2:

Araujo also discloses the limitations of claim 2 wherein the cryptographically

protected communication protocol implemented in the Internet browser comprises a

"Hypertext Transfer Protocol Security" protocol ("establishing a secure web (HTTPS)

connection to a web server implemented on SEP 200" Column 14, lines 47 and 48-49).

Regarding claim 3:

Araujo also discloses the limitations of claim 3 wherein the "Hypertext Transfer

Protocol Security" protocol comprises a "Secure Socket Layer" protocol or a "Transport

Layer Security" protocol. ("secured through SSL, with the CCC (Customer Care Center),

Column 9, line 51)

Regarding claim 4:

Araujo also discloses the limitations of claim 4 wherein the receiver-specific

message is transmitted to the specified receiver as an e-mail message, an SMS

message or as a voice message ("email" is accessed through the Service Enablement

Platform (SEP), Column 1, line 36, and the SEP also reports alarm messages, Column

36, lines 26-29).

Regarding claim 5:

Araujo also discloses the limitations of claim 5 wherein the e-mail message

includes a cross-reference, in particular a URL address, that provides a link to the

receiver-specific information that is stored in the database (The SEP (services

enablement platform) enables email modules to accept as input and output a URL

selection. Column 8, lines 26-35, and "Database 1420" ..."stores information for each

SEP then in service, alarm reports generated by each SEP and other related status as

provided by that SEP..."Column 16, lines 14-18).

Regarding claim 6:

Araujo also discloses the limitations of claim 6 wherein the event-relevant

information further comprises ("In the event of a detected fault or failure condition in any

monitored entity, the SEP generates a corresponding alarm and reports it..."), as well as

file attachments ("file sharing", abstract) which are stored in the database ("module then

writes, ...the alarm information into CCC database" Column 44, lines 56 and 58, and

"records all alarms it receives in a ...database." Col 38 Lines 34-35).

Regarding claim 7:

Araujo also discloses the limitations of claim 7 wherein access to the Web server

is protected by a login prompt and a password ("...the CCC will send the SEP

appropriate login and password for a customer WAN account which that the SEP is to

use." Column 9, lines 42-44).

Regarding claim 11:

Araujo discloses the method for transmitting messages about an alarm event of a

machine from an industrial controller controlling the machine to a specified receiver

using a modem connection ("modem" Column 16, line 49) protected by an

authentication protocol ("HTTP authentication" Column 9, line 33), comprising the steps

of: generating with an alarm indicating system, if a specified alarm event occurs, event-relevant information comprising event messages, fault messages, information about machine status and process information, or a combination thereof: ("In the event of a detected fault or failure condition in any monitored entity, the SEP (service enablement platform) generates a corresponding alarm and reports it..." Column 8, lines 55-57); writing the event-relevant information to a database accessible to the specified receiver ("...RMM process 2020 also records all alarms it receives in a local database." Column 38, lines 34-35, and the receiver can access the alarm information through a web site, i.e. "delivering alarms to web site (CCC) 20". Column 38, lines 28-29); transmitting via the modem connection in response to the event-relevant information only a receiver-specific message indicating that the specified alarm event has occurred (the receiver can access the alarm information through a web site, i.e. "delivering alarms to web site (CCC) 20". Column 38, lines 28-29); and receiving the receiver-specific message at the specified receiver, with the specified receiver accessing the event-relevant information in the database via a cryptographically protected communication protocol via the modem connection ("implements the necessary cryptographic and packet processing operations", Column 3, lines 37-38, using a "modem", Column 16, line 49, and "SEP can establish a web connection with site 20 through which the SEP can report its operational data and/or any alarm condition...", Column 36, lines 26-29.) and performing based on the event-relevant information at least one of failure analysis and fault repair of the machine. (Col 8 lines 55-70 disclose alarm events being sent and then Col 9, lines 1-2 disclose the management of the machines based on the alarm messages.)

Araujo discloses all the limitations except for wherein the receiver specific

message itself does not include event-relevant information.

Helferich discloses messages sent to a transceiver which does not include event-

relevant information. (abstract, lines 1-3 and Col3, lines 2-5 "A message has been

received but does not initially transmit the associated message" and "provides a page to

a paging receiver but does not automatically provide an associated message."). The

general concept of providing messages that do not provide event-relevant information is

well known in the art as illustrated by Helferich who discloses messages that are not

detailed.

It would have been obvious for one of ordinary skill in the art at the time of the

invention to modify Araujo to include the use of hiding details of messages in his

advantageous method as taught by Helferich in order to conserve memory.

4.   Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Araujo and Helferich in view of Crater et al (US Patent number 6201996, dated March

13, 2001), hereinafter referred to as Crater.

Regarding claim 8:

Araujo discloses all the limitations of claim 8 except for wherein at least one of the

database and the Web server are integrated with hardware of the controller.

Crater discloses "the present invention combines the immediacy and flexibility of

web access to industrial controllers...to achieve a highly integrated system amenable to

ready customization and modification." Column 3, lines 58-62. Crater also discloses

that his "control structure may be organized around a database", abstract, lines 4-5)

The general concept of integrating components to the hardware of the controller is well known in the art as illustrated by Crater which discloses a component integration in a controller method.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Araujo to include the use of integrating components to the controller hardware in his advantageous method as taught by Crater so that the controller "facilitates selection and performance of actions in the database" as stated by Crater on the last 3 of four lines in his abstract.

Regarding claim 9:

Araujo discloses all the limitations of claim 9 except for wherein at least one of the database and the Web server are implemented as hardware that is separate from hardware of the controller.

Since Crater's method is amenable to ready customization and modification, Column 3, lines 61-62, Crater's method can separate the hardware of the controller from at least one of the database and Web server hardware.

The general concept of modifying and customizing a database to be separate from the hardware of the controller is well known in the art as illustrated by Crater which discloses modifying and customizing a system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Araujo to include the modification of separating the controller hardware from the database in his advantageous method as taught by Crater in order to "achieve a highly integrated

system amenable to ready customization and modification." as stated by Crater in

Column 3, lines 58-62.

9.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crater,

Araujo, and Helferich in view of Lo (US publication 2003/0061274, dated March 27,

2003, and filed on September 24, 2001).

Regarding claim 10:

Araujo discloses all the limitations of claim 10 including accessing from the

receiver the event-relevant information in the database comprises the step of

transmitting at least one of data, parameters and programs from the specified receiver

(Col 9, lines 13-19, and Col 8, lines 55-60)

except for from transmitting from the specified receiver to the controller.

Lo discloses that his method has the capability of programming with the aid of a

client through a web browser the programming code for the controller, abstract, lines 2-

10.

The general concept of sending programs from a receiver to a controller is well

known in the art as illustrated by Lo which discloses a client device which programs a

controller in a programmable controller. It would have been obvious for one of ordinary

skill in the art at the time of the invention to modify Crater of in his advantageous

controller method as taught by Lo in order to provide a "new business paradigm" for

programmable controllers and their customers as stated by Lo on lines 13-15 of his

abstract.

Response to Arguments

A. Appl icant argues that Araujo discloses event relevant messages in his messages whereas Applicants invention doesn't.

As to point A, a 103 rejection has been made to overcome the rejection which hides details of messages.

B. Appl icant argues that Araujo's messages are not sent to predetermined receivers.

As to point B, a 103 rejection has been made to overcome the rejection in which a transceiver is a predetermined receiver.

C. Applicant argues that the claims have been amended to overcome the 101 rejections.

As to point C, the 101 rejections are removed.

D. Arguments not responded to are deemed moot in view of the new grounds of rejection necessitated by Applicant's amendments.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a): Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joan B. Naurot Ton whose telephone number is 571-

270-1595. The examiner can normally be reached on M-Th 9 to 6:30 (flex sched) and
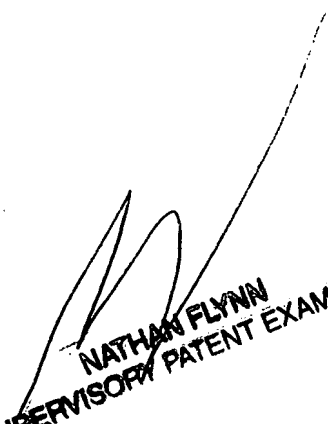
alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

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JBNT
8/30/2007

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER